

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

STEPHANIE VISTOCCO,

Plaintiff,

-vs-

15-cv-06164
ORDER

DENNY'S, INC., REVEILLE
MANAGEMENT, LLC, TOP LINE
RESTAURANTS, INC., FIDEL
TORRES,

Defendants.

On March 24, 2015, plaintiff Stephanie Vistocco ("Plaintiff"), represented by counsel, filed a complaint against defendants Denny's, Inc., Reveille Management, LLC, Top Line Restaurants, Inc., and Fidel Torres (collectively, "Defendants") pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, and the New York State Human Rights Law, New York State Executive Law §296 et. seq., alleging causes of action against Defendants, her former employers, for, inter alia, sexual harassment, retaliation, hostile work environment, and assault and battery. Also on March 24, 2015, the Clerk

of the Court issued summonses as to all Defendants, which were mailed to Plaintiff's attorney.

As of August 20, 2015, 147 days had elapsed from the filing of the complaint and issuance of the summonses. Therefore, on August 20, 2015, this Court then issued an Order to Show Cause directing Plaintiff, within ten days, to show good cause why the complaint should not be dismissed for her failure to effectuate service of the complaint within 120 days as provided in Rule 4(m) of the Federal Rules of Civil Procedure. More than 15 months have elapsed since the Court's Order to Show Cause was issued on August 20, 2015, and Plaintiff has yet to respond. Consequently, the complaint is hereby dismissed, without prejudice, in accordance with the Court's August 20, 2015 Order and Fed. R. Civ. P. 4(m). The Clerk of Court is directed to close the case.

ALL OF THE ABOVE IS SO ORDERED.

S/Michael A. Telesca

HONORABLE MICHAEL A. TELESKA
United States District Judge

Dated: December 5, 2016
Rochester, New York